Saskatchewan - Dept Repts. c.2

Government of Saskatchewan

Annual Report 1982

Saskatchewan Public and Private Rights Board

ANNUAL REPORT - 1982

PUBLIC AND PRIVATE RIGHTS BOARD

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Saskatchewan

Saskatchewan
Public and Private
Rights Board

(Expropriation Procedure
Act, 1968)

2nd Floor, 4211 Albert St.,
~~501-2240 Albert Street~~
Regina, Canada
~~S4P 2V3~~ S4P 3V7

(306) 565-4071

Honourable Grant Devine,
President of the Executive Council.

Dear Mr. Premier:

As per Section 6 (3) of the Expropriation Procedure Act I have the honour to submit to you the Annual Report of the Public and Private Rights Board for the period January 1, 1982 to December 31, 1982.

Respectfully submitted,

Myron A. Kuziak
Chairman.

The Public and Private Rights Board staff as at December 31, 1982:

Mr. Myron A. Kuziak, Chairman

Mr. Glen T. Hamilton, Director

Mrs. Marion Windrum, Secretary

REPORT ON ACTIVITIES

In 1982 the Public and Private Rights Board received ninety-six (96) requests for review of matters relating to expropriation or intentions to acquire land by expropriating authorities. Of this total, thirty-eight (38) were requests to review the route, situation or design of a public improvement, or proposed public improvement as per Section seven (7) of the Expropriation Procedure Act, and fifty-eight (58) were requests to review the amount of compensation offered as per Section eight (8) of the Expropriation Procedure Act or were requests to review the amount of compensation offered in negotiations before expropriation occured.

During 1982 the Public and Private Rights Board concluded negotiations on one (1) request to review the amount of compensation offered which was received by the Board in 1980 and on forty-six (46) requests to review the amount of compensation offered which were received by the Board in 1981. During the year the Board also concluded negotiations on ten (10) requests to review the route, situation or design of a proposed public improvement which were received by the Board in 1981.

All of the requests received by the Board during 1982 were taken to negotiations with their respective expropriating

authorities. Forty-seven (47) of the compensation negotiations were closed. Three (3) of the route, situation or design negotiations were closed.

The disposition of negotiations concluded by the Board in 1982 are outlined below.

The one compensation case from 1980 was concluded with the signing of an agreement between the expropriating authority and the expropriated landowner for an amount of compensation greater than that offered in the formal offer of compensation.

Of the forty-six (46) compensation negotiations from 1981 concluded in 1982, eight (8) were negotiations after expropriation and thirty-eight (38) were negotiations with which the Board was involved without any expropriation. Of the eight (8) expropriation negotiations, six (6) were resolved by the signing of agreements between the expropriating authority and the expropriated landowner for an amount of compensation greater than that offered in the formal offer and two (2) were concluded with no change in the amount of compensation. Three (3) of the ten (10) cases carried over from 1981 for which negotiations of route, situation or design of a proposed public improvement were concluded in 1982 were resolved by a change to the proposed improvement. The remaining seven (7) cases did not result in a change.

All of the forty-seven (47) compensation negotiation cases received and concluded by the Board in 1982 were negotiations in which the Board was involved prior to expropriation. Of the three (3) cases of negotiation of route, situation or design of a proposed public improvement received and concluded by the Board in 1982, one (1) resulted in the change of the route of the improvement and two (2) resulted in no changes.

Thirty-seven (37) of the thirty-eight (38) cases from 1981 and forty-six (46) of the forty-seven (47) cases from 1982 in which this Board was involved in compensation negotiations without expropriation involved negotiations between the Saskatchewan Power Corporation and landowners affected by the two hundred and twenty thousand (220,000) volt electrical transmission line proposed to be constructed between Assiniboia and Swift Current. In our 1981 Annual Report we reported that some of the landowners affected by that proposed line formed an association (The Assiniboia-Swift Current Route Association) and that association collectively, and its members individually, petitioned this Board to review alternatives to Sask Power's proposed route. Our Board involved itself in negotiations between Sask Power and the Association in this regard. This matter was resolved with no change to the proposed route. Subsequent to that, the Association (at that time comprised of eighty-one (81) of the affected landowners) asked our Board to assist in compensation negotiations by attempting to mediate two (2) issues with Sask Power: the amount of compen-

sation and the method of compensation. The biggest dispute was the Association's demand that landowners be given an option of being paid annually for reduced returns and increased costs rather than a capitalized lump sum. This issue was resolved by a change in Sask Power's policy allowing for this method of payment. The issue of the amount of compensation was also resolved. The Association recommended the solution arrived at by negotiation with the Corporation to its members and all the necessary easements were acquired for the project with only two (2) expropriations.

The two (2) other cases (one (1) from 1981 and one (1) from 1982) in which the Board was involved in compensation negotiations prior to expropriation involved Saskatchewan Telecommunications and Saskatchewan Agriculture. In the Saskatchewan Telecommunications case, by error, the public improvement was installed on the landowner's land before an easement was acquired. This case was resolved by a signed agreement between Sask Tel and the landowner. The case with Saskatchewan Agriculture was a continuation of compensation negotiations from previous negotiations on route and design of a proposed public improvement. This case was closed when the Department decided against acquiring the lands at that time.

It can be seen from Table Two (2) that the second largest number of cases received by the Board in 1982 related to actions of

Saskatchewan Agriculture. We must point out however, that of the thirty-two (32) requests to review the route, situation or design of a proposed public improvement, all but one (1) were received in the form of a petition from affected landowners asking our Board to review the proposed route and design of a drainage works proposed for construction by the Hunter Creek Conservation and Development Area Authority. The Board is handling this matter by undertaking negotiations between the committee representing those landowners opposed and the Area Authority and investigating and discussing with the Area Authority the particular concerns of each of the landowners who petitioned the Board for an investigation.

The unresolved cases as at December 31, 1982 for which negotiations will continue in 1983 were: two (2) compensation negotiations and one (1) route negotiation which were received by the Board in 1981; eleven (11) compensation negotiations and thirty-three (33) route, situation or design negotiations which were received by the Board during 1982. The files on all other cases received by the Board prior to January 1, 1982 have been closed.

Mrs. Elsie Maksymetz, the Secretary to the Public and Private Rights Board since its inception in 1968, resigned this year. The Board has hired Mrs. Marion Windrum as Secretary.

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PUBLIC AND PRIVATE RIGHTS BOARD

SECTION 6 - 3, EXPROPRIATION PROCEDURE ACT

TABLE 1

(A)	Number of investigations made by the Board		96
	Nature of each:		
	Route, situation or design	38	
	Compensation	58	
(B)	Number of claims negotiated by the Board		96
	Nature of each:		
	Route, situation or design	38	
	Compensation	58	

(C) We do not suggest any amendments to any Acts relating to the expropriation of land at this time.

TABLE 2

Number of Reviews by the Board by
Expropriating Authority Involved, 1982

Expropriating Authority	Route, Situation or design	Compensation	Total
Saskatchewan Agriculture*	32	1	33
Saskatchewan Highways	Ø	2	2
Saskatchewan Power Corporation	3	50	53
Saskatchewan Telecommunications	3	5	8

* This includes expropriations by the following authorities under the Conservation and Development Act:

Smokey Ridge Conservation and Development Area Authority.

Hunter Creek Conservation and Development Area Authority.

Delwood Creek Watershed Association.

Yorkton Watershed Association.

TABLE 3

Number of investigations made by the Board 1972 - 1982.

Year	Route, situation or design	Compensation	Miscellaneous	Total
1972	22	22		44
1973	7	25		32
1974	33	24	5	62
1975	23	12	5	40
1976	13	18		31
1977	20	30	7	57
1978	11	12	3	26
1979	3	15	4	22
1980	4	9	3	16
1981	53	55		108
1982	38	58		96

TABLE 4

Number of claims negotiated by the Board 1972 - 1982.

Year	Route, situation or design	Compensation	Total
1972	16	22	38
1973	7	25	32
1974	33	24	57
1975	23	12	35
1976	9	18	27
1977	20	30	50
1978	11	12	23
1979	3	15	18
1980	4	9	13
1981	51	51	102
1982	38	58	96

TABLE 5

Number of Reviews by the Board by
Expropriating Authority Involved, 1972-1982.

Year	Dept. of Highways	Sask. Power	Sask. Tel	Dept. of Agriculture	Government Services	Dept. of Tourism	Misc.
1972	19	14	4				7
1973	17	5	3	1			2
1974	18	25	12	2			5
1975	20	4	2	9			5
1976	12	3	4	3			9
1977	3	13	13	5	16		7
1978	4	1	5	2	5	1	3
1979	9	1	3	3	1		4
1980	5	2	1	1			3
1981	11	80	4	7			6
1982	2	53	8	33			